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Attorneys for Defendant FISERV, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DR. LAKSHMI ARUNACHALAM,

Plaintiff,

v.

APPLE INC., *et al.*,

Defendants.

Case No. 5:18-cv-1250-EJD

**DEFENDANT FISERV INC.'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF UNDER LOCAL
RULE 7.11 TO STAY THE CASE**

Judge: Hon. Edward J. Davila

For the reasons already stated in the opposition briefs of Defendants JPMorgan (Dkt. No. 205), Facebook (Dkt. No. 204), and Wells Fargo (Dkt. No. 203), Fiserv respectfully opposes Plaintiff's "Motion for Administrative Relief Under Local Rule 7.11 to Stay the Case Until the Ninth Circuit Rules on Writ of Mandamus to Disqualify Judge Davila, or in the Alternative to Reassign the Case to Judge William Alsup." (Dkt. No. 200). There is no basis to stay Plaintiff's case. Her motion raises merits arguments regarding *Fletcher v. Peck* and "patent prosecution history estoppel," but offers no reason for delaying resolution of Defendants' motions to dismiss pending appeal of the order denying disqualification. With regard to which judge should preside over this case, Fiserv defers to the Court on the proper assignment, but sees no valid basis for disqualification in Plaintiff's instant motion or any other filing.

DATED: May 31, 2018

PERKINS COIE LLP

By: /s/ Lane M. Polozola
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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the plaintiff and all counsel of record for the parties.

/s/ Lane M. Polozola

Lane M. Polozola